

# **Outcome Evaluation Criminal Case Management Plan (Property Track)**

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The Criminal Case Management Plan, implemented in August 2008, was created to provide for the orderly, prompt, and just disposition of criminal matters in Superior Court. The plan establishes a series of administrative stages to facilitate continuous monitoring and, if necessary, intervention by the Court to ensure cases are disposed at the earliest opportunity. To this end, the plan seeks to address factors contributing to extended case disposition times, including: delays in delivery of discovery; lack of attorney preparation; decreased productivity in Arraignment Court; and large, unreliable trial calendars.

This report examines the outcomes of the plan, observing implementation in the Property track of Superior Court, and provides a limited comparison to outcomes under the previous case management model.

### Summary of Findings

- **Decreased Time for Disposition of Felony Property Cases**
  - Average time between Indictment and Disposition under the Plan: 143 days; previous model: 244 days.
  - 100 percent of disposed cases occurred within 486 days under the Plan compared to 661 days under the previous model (26 percent decrease).
  - Significant time gains could be realized by further reducing the time between indictment and completion of the scheduling conference.
- **Disposal Methods Support Decreased Times to Disposition**
  - More Guilty Pleas: 85 percent cases under the Plan were resolved through a guilty plea compared to 50 percent under the previous model (a 70 percent increase).
  - Fewer Case Dismissals: Under the Plan, the rate of dismissals fell by more than half to 1.15 per 10 cases (down from 3.7/10 cases).
- **Disposition Time for In-Custody and Out-of-Custody Defendants Similar**
  - The majority of defendants (69 percent) were out of custody at the time of their first scheduling conference.
- **At First Arraignment, 9 of Every 10 Cases Were Disposed or Advanced**
  - 6 percent of disposed cases occurred post-Arraignment.
- **Additional Charges and Discovery Delivery Issues Delay Scheduling Conferences**
  - Consolidation, pending and/or new charges accounted for 29 percent of continuances at the conference stage.
  - Delivery of discovery accounted for 26 percent of continuances.

## Background & Study Overview

In August 2008, the 26<sup>th</sup> District Trial Court Administrator (TCA) implemented the *Criminal Case Management Plan and Administrative Order Adopting Criminal Rules* (hereafter referred to as the “case management plan” or “Plan”). Its purpose is to “institute a case flow management [process] that will provide for the orderly, prompt, and just disposition of criminal matters in the Superior Court.”

The Plan establishes a series of administrative events/stages that lead to the final disposition of criminal cases: the *scheduling conference*; *judicially-led plea conference*; *arraignment*; *pretrial readiness conference*; and finally, if necessary, *trial*. Each stage has a performance standards which each party is expected to meet in order for the case to progress towards a timely disposition (see page 7).

TCA is using a phased approach, applying the Plan’s standards to the various criminal case tracks (property, person, and controlled substances) at intervals. Implementation began with the property track in December 2008, followed by persons in late 2009. Incorporation of the controlled substance track is expected in May 2010.

Importantly, the Plan establishes time criteria for the disposal of criminal cases. Rule 2.2 states that –with the exception of homicide cases– “all other criminal cases should be tried or disposed within the following deadlines: 50% within 120 days; 75% within 180 days; 90% within 240 days; and 100% within 365 days of indictment.”

This report examines the effects of the Plan’s implementation with particular focus on time-to-disposal outcomes; factors which contribute to timely case disposition; and variances, if any, among in-custody and out-of-custody defendants. In addition, a limited examination of case progression under the previous case management model is included for comparison. For the purpose of this report, only the progression of property crime cases is studied. The period of analysis is January – September 2010.

Data for the Case Management Plan analysis was obtained from Superior Court dockets, Scheduling Orders, and TCA Pull Sheets. In a number of cases, the Mecklenburg County Sheriff's Office Inmate Inquiry database was used to establish custody status. Dates of indictment were retrieved from the Automated Criminal Infractions System (ACIS). Data for comparative analysis was obtained from TCA Pull Sheets and ACIS.

### Datasets

The case management Plan dataset was developed using TCA's master list of property cases processed January through September 2010. A total population of 700 unique defendants was found.

The master list was arranged in alphabetical order, a non-duplicate list of defendants created, and a random sample selected for analysis (n=268). To minimize data skewing, outliers (> 3 standard deviations from the mean time to disposal) were excluded, leaving a final sample size of 263. The sample size provides a 95% confidence level and 5% margin of error.

The comparative dataset is comprised of all defendants assigned to first (n=264) and second setting (n=58) under the previous case management model between December 2008 through June 2009.<sup>1</sup> A total of 322 individual cases were identified and selected for analysis, from which five outliers were excluded. Nineteen (6%) cases remained open at the time of analysis. Limited case information prevented stage-to-stage time analysis for this group.

### Calculating Days

Number of days between stages is calculated by subtracting the completion date of Stage<sub>x</sub> from that of Stage<sub>y</sub> (e.g. Arraignment Date minus Scheduling Conference Date). Likewise, Disposition Time is calculated as the difference, in days, between the date of Indictment and Disposition (i.e., when the case is resolved). Cases may be disposed at any stage of the process.

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<sup>1</sup> Beginning July 2009, all property cases are processed under the Case Management Plan.

## General Observations

### Overall<sup>2</sup>

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**85%**  
of Cases Disposed  
by Guilty Plea

Of the 263 property cases examined under the Plan, 187 (72 percent) were disposed at the time of analysis (September 2010). Eighty-five percent of dispositions occurred by guilty plea; 12 percent by dismissal; and 1 percent by trial. The vast majority of cases (87 percent) were disposed at Arraignment; 6 percent were disposed post Arraignment.

Of the 322 property cases examined under the previous model, 298 (92 percent) were disposed at the time of analysis. Seventy-five percent of defendants faced multiple charges. Fifty-five percent of dispositions occurred by guilty plea; 39 percent by dismissal; and 6 percent by trial. Custody status was not available for analysis. See Figure 1.

### Indictment to Disposition

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**143**  
Average Days  
Indictment to Disposition

For those cases disposed under the Plan during the study period, the average time from Indictment to Disposition was 143 days. Fifty percent of cases were disposed within 130 days; 75 percent disposed within 161 days; and 90 percent within 201 days. Excluding outliers, the longest time to disposal was 476 days. See Table A4 in the Appendix.

The average time from indictment to disposal under the previous model was 244 days. Fifty percent of cases were disposed within 229 days; 75 percent disposed within 304 days; and 90 percent within 389 days. All cases were disposed within 661 days. See Figure 2.

### In-Custody vs. Out-of-Custody

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Custody status did not impact defendants' pace through the administrative process. Defendants in-custody at the time of their first scheduling conference recorded a lower average disposition time than those out-of custody (128 versus 149 days respectively); however, further analysis found *no* statistically significant relationship between custody status and time-to-disposition. Slightly more than 69 percent of defendants were out of custody at the date of their first scheduling conference.

### Number of Charges

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The number of charges faced by defendants did not impact their pace through the administrative process. Seventy-five percent of defendants faced multiple charges.

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<sup>2</sup> Outliers (> 3 standard deviations from the mean disposal time) were excluded from the analysis to minimize data skewing.

**Figure 1. Case Disposal Methods**

<b>CRIMINAL CASE MANAGEMENT PLAN</b>	<b>PREVIOUS MODEL</b>
<b>GUILTY PLEA</b> 85%	<b>GUILTY PLEA</b> 55%
<b>DISMISSAL</b> 12%	<b>DISMISSAL</b> 39%
<b>VERDICT</b> 1%	<b>VERDICT</b> 6%
<b>TRANSFER</b> 2%	

**Figure 2. Plan Time Standards vs. Observed Outcomes**

<b>PLAN GOAL</b>	<b>% OF CASES DISPOSED</b>			
	<b>50%</b> 120 days	<b>75%</b> 180 days	<b>90%</b> 240 days	<b>100%</b> 365 days
<b>OBSERVED†*</b>				
<b>Previous Model</b>	229 days	304 days	389 days	661 days
<b>Criminal Case Management Plan</b>	130 days	161 days	201 days	486 days
<b>CHANGE</b>	- 43%	- 47%	-48%	- 26%
<b>GOAL VARIANCE</b>	+ 8%	-11 %	- 16%	+ 33 %

\* Time frame: Indictment to Disposition.

† Outliers (> 3 standard deviations from mean disposal time) excluded to minimize data skewing.

## Stage Outcomes<sup>3</sup>

### Scheduling Conference

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**76%**

of Cases Required Only One Scheduling Conference

The average time required for defendants to complete the Scheduling Conference (SC) phase was 105 days (median = 92).<sup>4</sup>

Seventy-six percent of defendants proceeded to arraignment from their initial scheduling conference. Conversely, a 24 percent required at least one follow-up scheduling conference (FUSC).

By the completion of their second conference, 93 percent of defendants proceeded to arraignment, plead guilty, or transferred to a different court. With the exception of one individual, all had completed the phase by the 4<sup>th</sup> conference.

Grouping the various reasons provided, issues involving the delivery of discovery<sup>5</sup> accounted for 28 percent of continuances at the *initial* scheduling conference.

Consolidation of charges, additional and/or pending charges accounted for 22 percent of continuances, while defense preparedness resulted in 19 percent.

More detail is available in Tables A1 and A2 in the Appendix.

### Arraignment

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**87%**

of Cases Advanced or Disposed at First Arraignment

Sixty-three percent of the sample (n=167) had reached Arraignment at the time of analysis. The average time for a case to advance from the Scheduling Conference was 39 days. On average, defendants required 135 days from Indictment to conclude the Arraignment phase.

Of those reaching arraignment, 87 percent were disposed, dismissed, or advanced to the next phase by the close of the first arraignment date. Of those disposed at this stage, 96 percent concluded with a guilty plea. Nearly all arraignments (97 percent) were concluded by the second arraignment date.

Reasons for continuance (n=46) at the initial arraignment varied widely. Thirty percent were due to the failure of the defendant to appear; 15 percent occurred for the consolidation, pending, or additional charges.

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<sup>3</sup> Reported outcomes apply only to the Criminal Case Management Plan. Available data would not permit analysis of the previous model in stages.

<sup>4</sup> Calculated from the date of indictment.

<sup>5</sup> Includes defense awaiting discovery; discovery not provided; late delivery; further requests for discovery; missing discovery; awaiting lab results; and ADA awaiting discovery.

**208**

Average Days to Disposition  
for Cases with Continued  
Arraignment

Progress towards disposition slows quickly for cases requiring a second arraignment date. In the sample, only 77 percent of cases (n=22) were disposed or move forward at the second arraignment. Nine percent of continuances (n=2) occurred when the court rejected the negotiated plea agreement. Likewise, nine percent occurred when new charges or additional discovery was presented.

Cases requiring a second arraignment date averaged 208 days from indictment to disposition, while those requiring only one arraignment were disposed within 129 days.

See Table A3 in the Appendix for more information regarding Arraignment outcomes.

## Pretrial Readiness Conference

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**12%**

of Cases Reached Pretrial  
Readiness Conference

Twelve percent of the sample (n=31) progressed to the Pretrial Readiness Conference stage (PTRC). These cases took an average 32 days to proceed from arraignment. Of those reaching PTRC, 77 percent either received a trial date, plead guilty, or saw their case dismissed. The remainder of conferences were continued, or in one case, returned to the arraignment phase. Two continuances (8 percent) were the result of the law enforcement officer not being present.

By the close of the second PTRC, 67 percent of cases entering the stage were disposed or had advanced to the trial stage.

## Trial

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**5%**

of Cases  
Assigned a Trial Date

In total, 5 percent of the sample (n=14) were scheduled for a trial. An average of 230 days (median=224) was required for the cases to reach the initial trial date.

**64%**

of Initial  
Trial Dates Continued

Of the trials scheduled, 64 percent (n=9) were continued<sup>6</sup>; 21 percent were dismissed or disposed prior to the trial date, and one case produced a verdict. The date of the remaining trial had not passed at the time of analysis.

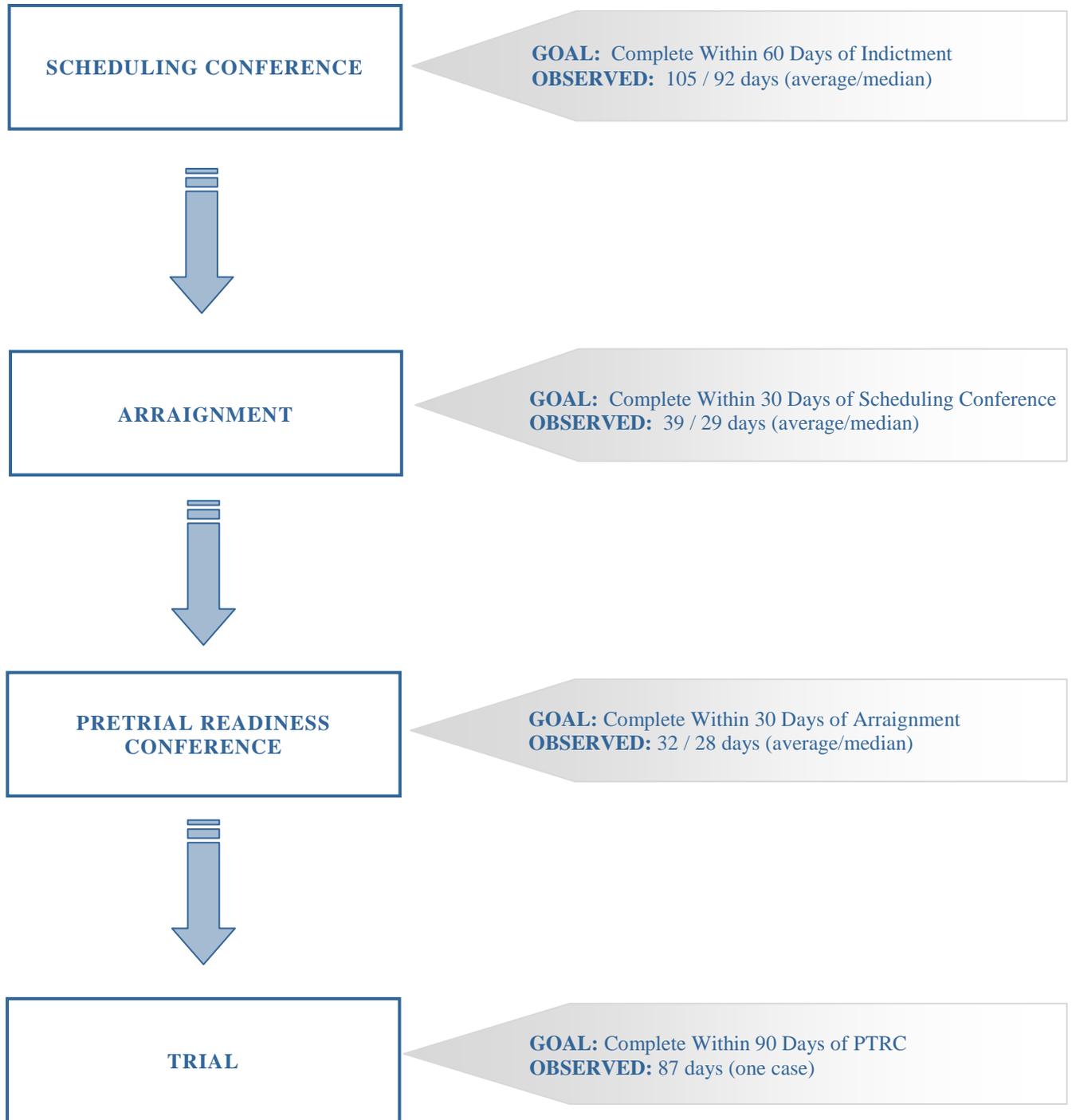
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<sup>6</sup> Reasons for continuances were unavailable at the time of analysis.

Table 1. Stage Objectives

Stage	Objectives
<b>Scheduling Conference</b>	<ul style="list-style-type: none"> <li>▪ Determine defendant custody status</li> <li>▪ Determine counsel (General Appearance, Waiver of Counsel, Appointment)</li> <li>▪ Determine existence of additional/pending cases (to facilitate bundling)</li> <li>▪ Certification by counsel that no conflicts exist which may prevent advancing case</li> <li>▪ Confirmation that All Discovery Has Been Exchanged</li> <li>▪ Determination of “Exceptional” Status (to facilitate monitoring case progress)</li> <li>▪ Set date for continuance or next stage</li> </ul>
<b>Judicially-Led Plea Conference</b>	<ul style="list-style-type: none"> <li>▪ Facilitate a plea when independent efforts to do so have been exhausted without agreement.</li> </ul>
<b>Arraignment</b>	<ul style="list-style-type: none"> <li>▪ Presentation of plea transcript</li> <li>▪ Appearance of defendant</li> <li>▪ Review/Acceptance of plea agreements by the Court (for those who plea “guilty”)</li> <li>▪ Accepting of “not guilty” pleas</li> <li>▪ Set date for continuance or next stage</li> </ul>
<b>Pretrial Readiness Conference</b>	<ul style="list-style-type: none"> <li>▪ Mandatory appearance of primary law enforcement officer and case file, defendant, prosecutor assigned to case, and defense counsel of record</li> <li>▪ Certification that material witnesses’ availability and/or scheduling conflicts for the following 90 day period have been established</li> <li>▪ Final check for conflicts</li> <li>▪ Defense notice of all statutory defenses and motions to be heard before trial</li> <li>▪ DA notice of intent to join charges/defendants, use conviction &gt;10 years old, 404 B, or introduce lab analysis without chemist present</li> <li>▪ Set trial date within 90 days</li> </ul>
<b>Trial</b>	<ul style="list-style-type: none"> <li>▪ Verdict</li> </ul>

**Figure 3. Plan Time Standards vs. Observed Outcomes  
Administrative Process**



# APPENDIX

**Table A1.  
Reasons for Scheduling Conference Continuance**

5. Discovery Delivery includes: defense awaiting discovery; discovery not provided; late delivery; further requests for discovery; missing discovery; awaiting lab results; and ADA awaiting discovery.
6. Defense Preparedness includes: failure to discuss plea offer or share discovery with client and failure to review discover

**Table A2.  
Scheduling Conference Outcomes**

**Table A3.  
Arraignment Outcomes**

**Table A4.  
Days to Advance- Case Management Plan**

7. Only one case reached trial during the period of analysis

Table A1

Grounds	SC 1	SC 2	SC 3	SC 4
Discovery Delivery <sup>5</sup>	28%	40%	-	-
Defense Preparedness <sup>6</sup>	19%	-	9%	33%
OFA	5%	-	-	-
Consolidation/Pending/ Additional Cases	22%	44%	36%	33%
Attorney Conflict/Change	14%	-	9%	
Other	8%	12%	36%	17%
No Explanation	2%	-	-	-
Attorney Not Present/At Trial	-	-	-	-
Defendant In Custody Elsewhere	5%	4%	9%	17%

Table A2

Outcome	SC 1	SC 2	SC 3	SC 4
Arraignment Set	72%	55%	46%	40%
Follow-up Scheduling Conference	27%	39%	50%	60%
Transferred to Another Court	1%	-	5%	-
Guilty Plea Entered	-	2%	-	-
Dismissed	-	5%	-	-

Table A3

Outcome	A1	A2	A3	A4
Plea- Guilty	63%	34%	40%	50%
Plea- Not Guilty	13%	16%	40%	-
Continued	16%	28%	-	-
Dismissed	1%	-	-	-
Order for Arrest	7%	3%	-	-
Returned to Scheduling Conference	-	3%	-	-
Transfer- Def. Prosecution		13%	-	50%
Transfer- Different Court		3%	20%	-

Table A4

	IND to SC	SC to ARR	ARR to PTRC	PTRC to TRIAL <sup>7</sup>
Mean	106 days	39 days	32 days	-
Median	92 days	29 days	28 days	-
<b>Percentiles</b>				
50%	79 days	28 days	26 days	-
75%	113 days	36 days	35 days	-
90%	141 days	63 days	55 days	-
100%	476 days	203 days	56 days	87 days

**END OF REPORT**